

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Thomas Juliano	Team: Squad #12	CCRB Case #: 201610234	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/13/2016 12:25 PM	Location of Incident: Parkside Avenue and Ocean Avenue	Precinct: 71	18 Mo. SOL 6/13/2018	EO SOL 6/13/2018	
Date/Time CV Reported Tue, 12/13/2016 1:48 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 12/13/2016 1:48 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Warner	08815	902581	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Warner	Off. Language: Police Officer Richard Warner made remarks to § 87(2)(b) based upon religion.	
B.POM Richard Warner	Off. Language: Police Officer Richard Warner made remarks to § 87(2)(b) based upon religion.	

Case Summary

On December 13, 2016, § 87(2)(b) filed this complaint on behalf of herself and § 87(2)(b) via the online website.

On December 13, 2016, at approximately 12:25 p.m., § 87(2)(b) was driving her brother's minivan on Ocean Avenue with § 87(2)(b) who was wearing a Yamika, was in the passenger seat. § 87(2)(b) made a right turn onto Parkside Avenue from either the middle lane, or the right-turn lane. PO Warner pulled over § 87(2)(b) for making an improper turn from the middle lane. § 87(2)(b) told PO Warner that she made the turn from the right lane, and asked for him to reconsider, and PO Warner refused. § 87(2)(b) again requested for PO Warner not to issue her a summons, and he stated, "You people always complain about police." (**Allegations A and B**)

There are no video recordings of this incident.

This case is over the 90-day benchmark as it was returned to investigations after an unsuccessful mediation.

Mediation, Civil and Criminal Histories

- This case was returned from mediation after an unsuccessful mediation.
- As of May 18, 2017, a notice of claim has not been filed in regards to this incident. (**Board Review 1**)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first case in which § 87(2)(b) and § 87(2)(b) have been a party. (**Board Review 3**)
- PO Warner has been a member of service for 24 years. PO Warner has four prior offensive language allegations. In CCRB case number 9602379, which was closed as conciliated, PO Warner was alleged to have made the statement during a traffic stop, "You niggers never carry your paper work." In CCRB case number 200101702, which was closed as unsubstantiated, PO Warner allegedly used the word "nigger" during a traffic stop. In CCRB case number 200409456, which was closed as unfounded, PO Warner allegedly stated that he "does not care about black people." In CCRB case number 200607852, which was closed as complaint withdrawn, it was alleged that during a traffic stop PO Warner stated, "All you Jews don't respect the force. You Jews don't respect police officers."

Findings and Recommendations

Allegation A: Police Officer Richard Warner made remarks to § 87(2)(b) based upon religion.

Allegation B: Police Officer Richard Warner made remarks to § 87(2)(b) based upon religion.

It is undisputed that PO Warner pulled over § 87(2)(b) for making an improper turn. It is undisputed that § 87(2)(b) was in the vehicle driven by § 87(2)(b). It is undisputed that § 87(2)(b) asked PO Warner not to give her a summons.

Both § 87(2)(b) and § 87(2)(b) statements were consistent with each other. After § 87(2)(b) asked PO Warner not to give her a summons, PO Warner stated, "You people always complain about police," which both § 87(2)(b) and § 87(2)(b) believed to be about their religion, as § 87(2)(b) was wearing a Yakima. (**Board Review 4 and 5**)

PO Warner stated that he did not make the statement “You people always complain about police,” or any statements about either § 87(2)(b) or § 87(2)(b) religion. **(Board Review 6)**

§ 87(2)(g)

Squad: 12

Investigator:	_____	<u>Thomas Juliano</u>	<u>May 22, 2017</u>
	Signature	Print	Date
Squad Leader:	_____	<u>SI Lily Carayannis</u>	<u>May 22, 2017</u>
	Signature	Title/Print	Date